

different from other Federal programs. The majority made a half-hearted effort to eliminate the legitimate fears of our Nation's older citizens by offering House Concurrent Resolution 17. But far from exempting Social Security from the cuts required to achieve a balanced budget, that resolution merely called on the appropriate committees of the House and the Senate to report implementing legislation that would achieve a balanced budget without increasing the receipts or reducing the disbursements of the Social Security trust funds.

This was meaningless. Why not include in the amendment itself a prohibition on utilizing Social Security funds to achieve a balanced budget? We seem to agree on two things. First, nobody wants to cut Social Security. Second, everybody wants to balance the budget. Our majority colleagues think we need a constitutional amendment to do what we've said we want to do with the budget. But they don't think we need the same sort of constitutional protection to make sure that we stick to our pledge not to cut Social Security. This doesn't make any sense. Our country's senior citizens have worked hard and they deserve to have the integrity of the Social Security program protected. They deserve better than a nonbinding resolution.

Finally, the contract's balanced budget amendment fails to address the critical issue of judicial review. Our Founding Fathers carefully set up our system of checks and balances. The three branches of Government have different powers and different responsibilities. The contract's amendment has the potential turn the duties of the executive and legislative branches over to the judiciary. There is nothing in this amendment to prevent lawsuits from tying up the Federal courts with issues that rightly belong in the legislative domain. I was elected by the people of Maine's Second District to come to Washington and make tough choices. I was not elected to come here and abdicate my responsibilities to nine unelected and largely unaccountable Supreme Court Justices.

Enactment and ratification of the contract's balanced budget amendment will not reduce the Federal deficit by one penny. Only Congress can do that. If we lack the courage to make the difficult choices required, I am not convinced that an amendment to the Constitution is going to provide sufficient fortification.

That said, I am placed in a difficult position. I want to demonstrate my strong support for balancing the Federal budget. I have lived and worked under a State balanced budget requirement for 12 years. But the rule which was adopted governing this debate does not permit me to address my very serious concerns by offering amendments to improve any of the six substitutes which we are being allowed by the majority to consider.

And so, as happens so often in the legislative branch, I am forced to choose between imperfect measures. For the reasons I have outlined above, I cannot support the contract's balanced budget amendment. It is simply too flawed and too contrary to the best interests of the American people.

I will, however, support the amendment offered by my colleague, Mr. WISE. His amendment, while far from perfect, addresses four of my major concerns. It provides for separate capital and operating budgets, a realistic way for the Federal Government to handle its finances. It doesn't include any supermajority

requirements. It allows for deficit spending to combat an economic downturn. And it takes Social Security out of the equation.

Mr. WISE's substitute comes the closest to working the way the State of Maine works. It is a method which has been successful there and one with which I feel comfortable. While I still have grave reservations about amending our Constitution in this manner, I am persuaded that Mr. WISE's amendment is sound enough that it should be sent forward to the States. The States and the people will make the final determination as to whether this amendment makes economic sense. I believe that upon closer inspection, the people will realize that the balanced budget amendment is not the easy solution that many have claimed.

The Federal Government must put its fiscal house in order. We must do so starting today, not with a promise to do it 7 years from now. I am not convinced that an amendment to the Constitution is a necessary step on the path to achieving that goal, but I am convinced that the people deserve the chance to decide for themselves.

No matter what the outcome of this debate, I am committed to making the difficult decisions required to balance the budget and pay down our Federal deficit. I hope that my colleagues will work with me, starting now, to take the necessary actions.

UNFUNDED MANDATE REFORM ACT OF 19953

SPEECH OF

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes.

Mr. CUNNINGHAM. Mr. Chairman, I want to discuss H.R., 5, the Unfunded Mandates Reform Act and share with the House the observations of San Diego Mayor Susan Golding. Recently, I had the pleasure to meet with Mayor Golding to discuss this bill and other issues before the Congress.

Mayor Golding provided me with a partial list of current Federal mandates placed on the city of San Diego. She said that besides the up-front costs, each mandate contains a hidden burden of paperwork, record keeping, and reporting. Each of these mandates has some Federal agency reviewing compliance. Moreover, most of these mandates carry penalties for noncompliance.

The most egregious example involves the requirements imposed by the Environmental Protection Agency that the city of San Diego move toward secondary treatment of wastewater. The problem is that the regulations were designed to protect rivers and lakes—fresh water. San Diego, however, has a deep discharge into the Pacific Ocean. The world renowned Scripps Institute of Oceanography has concluded that secondary treatment

is unneeded in San Diego. Yet the Federal Government still insists that the city of San Diego expend some \$1.4 billion to upgrade to secondary treatment, no matter what the best scientists say. After years of litigation, the stalemate continues.

The list of mandates ranges from the obvious to the obscure. To comply with the Americans with Disabilities Act, the city must spend \$100,000. Swimming pool operator training costs \$1,500. The level of sand in sandboxes at city-run tot centers is monitored by the U.S. Consumer Product Safety Commission, costing San Diego taxpayers \$75,000 a year. Reporting requirements for the CDBG program add \$20,000 in costs. Monitoring of groundwater at city landfills costs \$130,000 annually; gas monitoring adds another \$34,000.

No one questions that some Federal regulations are needed. Federal standards for health and safety have saved lives and improved the quality of life for all Americans. If an issue is important enough to demand action by the Congress, then by definition, it ought to be important enough to be funded by the Congress.

The city would meet many of these health and safety standards anyway. The problem arises when the Federal Government issues these mandates, burdening the city with record keeping, paperwork, and the potential for litigation and fines.

We know that H.R. 5 won't solve the problem of existing mandates alone. But it is still vital that Congress pass this legislation. The commission established by H.R. 5 will be chartered to review existing mandates and report recommendations for change to Congress. Further, this bill sends a clear message to our beleaguered cities, counties, and States that this Congress will no longer conduct business as usual.

The experience of San Diego is typical. I know from my discussions with other mayors and local officials that they also shoulder these burdens. In some cases, smaller communities are hit even harder than cities, as they lack the resources and staff to comply with Federal mandates.

Mr. Speaker, as an original cosponsor of the bill, I urge prompt passage of H.R. 5. This bill does nothing to threaten the health and safety of the American people. It is a significant step toward reforming our attitude here in Washington.

CONGRATULATIONS TO THE NATIONAL COUNCIL OF NEGRO WOMEN, INC., AND THE NATIONAL ELDERCARE INSTITUTE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. THOMPSON. Mr. Speaker, I stand before you today to congratulate the National Council of Negro Women, Inc. and the National Eldercare Institute for a historic conference which honored older women. In October 1991, the National Council of Negro Women, Inc., entered into a cooperative agreement with the U.S. Department of Health and Human Services, Administration on Aging, to establish a National Eldercare Institute on Older Women [NEIOW].